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REMARKS

In the Office Action mailed on October 27, 2005, the Examiner rejected claim 17 under 35 U.S.C. § 112, second paragraph; rejected claims 1, 2, 5-7, 10, and 11 under 35 U.S.C. § 102(b) as being anticipated by Chase (U.S. Patent No. 3,414,268); rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Chase; rejected claims 12 and 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Chase in view of Andrikian (U.S. Patent No. 5,383,668); rejected claims 17-19 under 35 U.S.C. § 103(a) as being unpatentable over Clausing (U.S. Patent No. 1, 644,979) in view of Patterson (U.S. Patent No. 5,301,950); rejected claims 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Patterson; and indicated that claims 3, 4, and 9 are allowable over the prior art.

The undersigned also conducted a telephonic interview with the Examiner on March 22, 2006, regarding the present application. On behalf of the Applicants, the undersigned would like to thank the Examiner for the courtesies extended during that interview.

In the interview, the undersigned discussed with the Examiner claims 1, 9, and 14. The Examiner indicated that claim 9 was allowable and that the rejection regarding claim 14 would be maintained, if no claim amendments were made. With regard to claim 1, the Examiner indicated that he would look favorably on an amendment to clarify that the web member is connected only to the legs and not to the shaft or if the rib structure were recited in the claims. The undersigned indicated that the record reflected that the web member was not connected to the shaft, but the Examiner requested that appropriate language be inserted into the claim.

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In this Amendment, Applicants have amended claims 1-2, 14, and 17-18. Claims 1-12 and 14-19 are currently pending.¹

The Examiner rejected claim 17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter the applicants regard as their invention. The Examiner alleged that there is insufficient antecedent basis for the term "the shaft." Applicants have amended claim 17 and in the amendment have removed that phrase, thus obviating the rejection.

The Examiner then rejected claims 1, 2, 5-7, 10, and 11 under 35 U.S.C. § 102(b) as being anticipated by Chase. The Examiner referenced back to the prior Office Actions for support. Applicants have amended claim 1 to specifically recite that, inter alia, the web member extending between and connected only to the at least three legs. Applicants have amended the claim as requested by the Examiner, thereby making the claim allowable. Applicants also note that the scope of the claim, when taken in view of the comments and the specification, is of the same scope as in the last amendment. Thus, Applicants submit that amended claim 1 is allowable over the prior art.

Claims 2-12, which depend from allowable claim 1, are allowable for at least the same reasons. As such, Applicants will not burden the record with a discussion for claims 8 and 12, which were rejected under 35 U.S.C. § 103(a) in view of at least the same reference.

¹ In the Disposition of Claims section of the Office Action Summary, claims 1-19 are indicated to be pending, however, in the detailed section of the Office Action, claim 13 is not addressed, presumably because it was previously cancelled.

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The Examiner then rejected claims 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Chase in view of Andrikian. Applicants have amended claim 14 to include that the legs are connected to the shaft by a rib. The Examiner indicated in the interview that such a limitation is not shown or suggested in Chase and also has allowed claim 9, presumably for the same reason. Thus, Applicants assert that since neither Chase or Andrikian disclose or suggest such an attachment by the leg to the shaft, amended claim 14 and its dependent claims, claims 15-16, are also allowable.

The Examiner then rejected claims 17-19 under 35 U.S.C. § 103(a) as being unpatentable over Clausing in view of Patterson. Applicants have amended claim 17 to require that the golf tee have a web member extending between and connected to only the at least three legs. The web member in Clausing, element 10 as indicated by the Examiner is a portion of the leg itself and not a web member as required or recited by the amended or the original claim 17. However, Applicants have amended claims 17 and 18 and those claims require that the web member be connected only to the legs, thereby eliminating Clausing as a reference. Applicants assert that the alleged web member 10 in Clausing is not independent of the shaft, as it is all one piece that is interconnected, but have amended the claims to further prosecution. Thus, Applicants assert that claims 17-19 are allowable for at least these reasons.

In light of the foregoing remarks, Applicants assert that this application is now in condition for allowance and early passage of this case to issue is respectfully requested. No

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other fees are believed to be due with this submission. The Patent Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,



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